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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARC OPPERMAN, et al.,  
Plaintiffs,  
v.  
PATH, INC., et al.,  
Defendants.

Case No. 13-cv-00453-JST

**STIPULATION AND [~~PROPOSED~~]  
ORDER REGARDING CASE  
SCHEDULING**

**THIS DOCUMENT RELATES TO CASES:**

*Opperman v. Path, Inc.*, No. 13-cv-00453-JST  
*Hernandez v. Path, Inc.*, No. 12-cv-1515-JST  
*Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST  
*Espitita v. Hipter, Inc.*, No. 4:13-cv-432-JST  
(collectively, the “Related Actions”)

The undersigned parties hereby stipulate to the following partial stay in this case, and respectfully request that the Court issue the requested scheduling order.

The Ninth Circuit is currently considering Defendant Apple Inc.’s Petition for Permission to Appeal Pursuant to Fed. R. Civ. P. 23(f), filed on July 29, 2016. The issues in that petition may have a material impact on the outcome of the pending Plaintiffs’ Motion for Class Certification re Foursquare, Instagram, Kik, Twitter and Yelp Apps, filed on August 23, 2016. See Docket 799. In the interest of judicial economy, the parties have agreed to postpone the opposition briefing with respect to Plaintiffs’ Motions for Class Certification.

1 Path and Plaintiffs are presently engaged in bilateral settlement discussions and intend to  
 2 continue those discussions. The undersigned parties have also agreed to engage in a joint  
 3 mediation in an attempt to settle this matter, in which Path will participate if bilateral settlement  
 4 discussions have not succeeded. To allow the parties to focus on the success of settlement  
 5 discussions, the undersigned parties have agreed that all current deadlines in this action, with the  
 6 exception of the dates related to the briefing and argument of the pending Twitter and Apple  
 7 summary judgment motions should be vacated, and all fact discovery stayed.

8 In place of those deadlines, the Parties propose a joint case management statement be filed  
 9 within 14 days of the Ninth Circuit's response to Apple's Petition proposing a revised schedule  
 10 that allows sufficient time for the parties to complete their mediation and settlement discussions.  
 11 The parties further propose that in no event shall the defendants have less than 30 days from the  
 12 revised scheduling order to oppose Plaintiffs' Motions for Class Certification and in no event  
 13 shall the parties have less than three months from the revised scheduling order to complete fact  
 14 discovery.

15  
 16 Respectfully submitted,

17 DATED: September 9, 2016

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22 *Attorneys for Defendant Twitter, Inc.*

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Dated: September 8, 2016

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**[PROPOSED] ORDER**

The Stipulation between Plaintiffs and Defendants is GRANTED as follows:

The current scheduling order is vacated, other than the filing and hearing dates for Apple and Twitter’s pending summary judgment motions.

The parties will submit a case management statement including a proposed schedule within 14 days of the Ninth Circuit’s response to Apple’s Petition that complies with the parties’ stipulation set forth above.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: September 12, 2016

By:   
HON. JON S. TIGAR  
United States District Judge